IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 28776 of 2007(A)

PETITIONER:

RADHAMANI.P.,
AGED 41 YEARS, W/O.K.S.MOHANAN PILLAY,
PROPRIETRESS, HOTEL SARATHY, ARATTUPUZHA,
CHENGANNOOR (VIA), PATHANMTHITTA DISTRICT,
KERALA.

BY ADV. SRI.A.SUDHI VASUDEVAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY (TAXES), TAXES(A) DEPARTMENT,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF EXCISE,
EXCISE COMMISSIONERATE,
THIRUVANANTHAPURAM.

3. ASSISTANT EXCISE COMMISSIONER,
PATHANAMTHITTA.

BY GOVT.PLEADER SMT.ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

I.A.Nos.15387/07 & 786 of 2008

in

W.P.(C)No.28776 OF 2007

DATED THIS THE 29TH DAY OF JANUARY, 2008

O R D E R

In these applications for enlargement for time to comply with the directions in the judgment, it has been pointed out that the file relating to the order rejecting the petitioner's application for FL-3 license in 1992 is not traceable. Having regard to the materials on record including Exhibit P23, it is apparent that an application was received in 1992. It is discernible from Exhibit P1 that the application dt.4.3.1992 was decided upon by the Deputy Commissioner as per Exhibit P1 recommending the application. The rejection if at all would be thereafter. Therefore, in the absence of availability of the files with the Government, respondents are directed to decide all the applications of the petitioner treating the date of Exhibit P1 as the relevant date for complying the rules. It is clarified that the rules prevailing as on that date shall be applied in deciding the case of the petitioner. The time limit is enlarged by two weeks from now.

Hand over.

THOTTATHIL B.RADHAKRISHNAN, JUDGE.

dsn